

EXECUTIVE JOURNAL.

[TWENTY-FIRST SESSION.]

WEDNESDAY, DECEMBER 15, 1802.

The following written message was received from the President of the United States, by Mr. Lewis, his Secretary :

Gentlemen of the Senate:

I nominate Gabriel Duval, of Maryland, to be Comptroller of the Treasury of the United States, vice John Steele, resigned.

William Peck, of Rhode Island, whose office of Marshal of Rhode Island expired on the 13th instant, to be reappointed Marshal of that district.

TH: JEFFERSON.

December 15th, 1802.

The message was read.

On motion, the rule was dispensed with. Whereupon,

Resolved, That the Senate do consent and advise to the appointments, agreeably to the nominations respectively.

Ordered, That the Secretary lay this resolution before the President of the United States.

Sundry papers, respecting the affairs of the United States with the Barbary Powers in the Mediterranean, communicated with the legislative message of this day, were read.

Ordered, That they lie for consideration.

MONDAY, DECEMBER 20, 1802.

The following written message was received from the President of the United States, by Mr. Lewis, his Secretary:

Gentlemen of the Senate:

I nominate John Spence West, whose term, as Marshal of North Carolina, expired on the 10th instant, to be reappointed Marshal of North Carolina.

TH: JEFFERSON.

December 17th, 1802.

The message was read. Whereupon,

Resolved, That the Senate do advise and consent to the appointment, agreeably to the nomination.

Ordered, That the Secretary lay this resolution before the President of the United States.

TUESDAY, DECEMBER 28, 1802.

The following written messages were received from the President of the United States, by Mr. Lewis, his Secretary:

Gentlemen of the Senate:

I lay before you a treaty which has been agreed to by Commissioners duly authorized on the part of the United States, and the Creek nation of Indians, for the extinguishment of the native title to lands in the Talassee county, and others between the forks of Oconee and Oakmulgee rivers, in Georgia, in pursuance of the convention with that State, together with the documents explanatory thereof; and it is submitted to your determination, whether you will advise and consent to the ratification thereof.

TH: JEFFERSON.

December 27th, 1802.

Gentlemen of the Senate:

I lay before you a treaty which has been concluded between the State of New York and the Oneida Indians, for the purchase of lands within that State.

One other, between the same State and the Seneca Indians, for the purchase of other lands within the same State.

One other, between certain individuals, styled the Holland Company, with the Senecas, for the exchange of certain lands in the same State.

And one other, between Oliver Phelps, a citizen of the United States, and the Senecas, for the exchange of lands in the same State; with sundry explanatory papers, all of them conducted under the superintendence of a Commissioner on the part of the United States, who reports that they have been adjusted with the fair and free consent and understanding of the parties. It is therefore submitted to your determination, whether you will advise and consent to their respective ratifications.

TH: JEFFERSON.

December 27th, 1802.

The messages and papers accompanying them were read.

Ordered, That they severally lie for consideration, and that the treaties be printed, in confidence, for the use of the Senate.

THURSDAY, DECEMBER 30, 1802.

The treaty between the Oneida nation of Indians and the State of New York, concluded at their village, on the 4th of June, 1802, present John Taylor and Ezra L'Hommedieu, was read the second time; and, by unanimous consent, the third time, as in Committee of Whole; and a motion was made that it be

“*Resolved*, (two-thirds of the Senators present concurring therein,) That the Senate do advise and consent to the ratification of the treaty made under the authority of the United States, between the State of New York and the Oneida nation of Indians, June 4th, 1802.”

Ordered, That the motion lie for consideration.

The treaty between the Seneca nation of Indians and the State of New York, concluded at Albany, on the 20th of August, 1802, was read the se-

cond time; and, by unanimous consent, the third time, as in Committee of the Whole; and a motion was made that it be

Resolved, (two-thirds of the Senators present concurring therein,) That the Senate do advise and consent to the ratification of the treaty, made under the authority of the United States, between the State of New York and the Seneca nation of Indians, August 20th, 1802."

Ordered, That this motion lie for consideration.

FRIDAY, DECEMBER 31, 1802.

The treaty made under the authority of the United States between the State of New York and the Seneca nation of Indians, at Albany, the 20th day of August, 1802, was considered; and, on the question, Will the Senate advise and consent to the ratification thereof?

It was determined, unanimously, in the affirmative: Yeas 20.

Those who voted in the affirmative, are—Messrs. Baldwin, Bradley, Breckinridge, Clinton, Cocke, Dayton, Ellery, T. Foster, D. Foster, Franklin, Hillhouse, Jackson, J. Mason, Morris, Ogden, Olcott, Plumer, Sumpter, Tracy, and White.

So it was

Resolved, (two-thirds of the Senators present concurring therein,) That the Senate do advise and consent to the ratification of the treaty, made under the authority of the United States, between the State of New York and the Seneca nation of Indians, the 20th day of August, 1802."

Ordered, That the Secretary lay this resolution before the President of the United States.

The treaty made under the authority of the United States between the State of New York and the Oneida nation of Indians, at their village, on the 4th day of June, 1802, was considered; and, on the question, Will the Senate advise and consent to the ratification thereof?

It was determined, unanimously, in the affirmative: Yeas 20.

Those who voted in the affirmative, are—Messrs. Baldwin, Bradley, Breckinridge, Clinton, Cocke, Dayton, Ellery, T. Foster, D. Foster, Franklin, Hillhouse, Jackson, J. Mason, Morris, Ogden, Olcott, Plumer, Sumpter, Tracy, and White.

So it was

Resolved, (two-thirds of the Senators present concurring therein,) That the Senate do advise and consent to the ratification of the treaty, made under the authority of the United States, between the State of New York and the Oneida nation of Indians, on the 4th day of June, 1802."

Ordered, That the Secretary lay this resolution before the President of the United States.

The treaty of limits, between the United States and the Creek nation of Indians, made near Fort Wilkinson, June 16th, 1802, was read the second time.

MONDAY, JANUARY 3, 1803.

The treaty of limits, between the United States and the Creek nation of Indians, made the 16th of June, 1802, was read the third time, as in Committee of the Whole; and a motion was made that it be

“*Resolved*, (two-thirds of the Senators present concurring therein,) That the Senate do advise and consent to the ratification of the treaty, made under the authority of the United States, between the United States and the Creek nation of Indians, the 16th June, 1802.”

Ordered, That the motion lie for consideration.

The treaty made between the Seneca nation of Indians and Oliver Phelps, and others, June 30th, 1802, was read the second time.

The treaty made between the Seneca nation and Wilhem Willink, and others, of the Republic of Batavia, June 30, 1802, was read the second time.

TUESDAY, JANUARY 4, 1803.

The treaty of limits, between the United States and the Creek nation of Indians, made the 16th of June, 1802, was considered.

And, on the question, will the Senate advise and consent to the ratification thereof?

It was determined, unanimously, in the affirmative: Yeas 19.

Those who voted in the affirmative, are—Messrs. Anderson, Baldwin, Bradley, Breckinridge, Clinton, Cocke, Ellery, T. Foster, Franklin, Hill house, Jackson, Morris, Nicholas, Ogden, Olcott, Plumer, Sumpter, Tracy, and Wells.

So it was

“*Resolved*, (two-thirds of the Senators present concurring therein,) That the Senate do advise and consent to the ratification of the treaty, made under the authority of the United States, between the United States and the Creek nation of Indians, the 16th day of June, 1802.”

Ordered, That the Secretary lay this resolution before the President of the United States.

The Senate resumed the consideration of the treaty, made between the Seneca nation of Indians and Wilhem Willink, and others, of the Republic of Batavia, June 30th, 1802.

Ordered, That the further consideration thereof be postponed until to-morrow.

The Senate resumed the consideration of the treaty between the Seneca nation of Indians and Oliver Phelps, and others, made June 30th, 1802.

Ordered, That the further consideration thereof be postponed until to-morrow.

WEDNESDAY, JANUARY 5, 1803.

The treaty, made under the authority of the United States, between the Seneca nation of Indians, and Wilhem Willink, and others, of the Republic of Batavia, was read the third time, as in Committee of the Whole; and a motion was made that it be

“*Resolved*, (two-thirds of the Senators present concurring therein,) That the Senate do advise and consent to the ratification of the treaty, made under the authority of the United States, between the Seneca nation of Indians and Wilhem Willink, and others, of the Republic of Batavia, dated June 30th, 1802.”

Ordered, That this motion lie for consideration.

The treaty made under the authority of the United States between the Seneca nation of Indians, and Oliver Phelps, and others, was read the third time, as in Committee of the Whole; and a motion was made that it be

Resolved, (two-thirds of the Senators present concurring therein,) That the Senate do advise and consent to the ratification of the treaty made under the authority of the United States, between the Seneca nation of Indians and Oliver Phelps, and others, dated June 30th, 1802."

Ordered, That this motion lie for consideration.

THURSDAY, JANUARY 6, 1803.

The Senate resumed the consideration of the treaty made between the Seneca nation of Indians, and Oliver Phelps, and others.

On motion, It was agreed that the further consideration thereof be postponed until to-morrow.

The Senate resumed the consideration of the treaty made between the Seneca nation of Indians, and Wilhem Willink, and others, of the Republic of Batavia.

On motion, It was agreed that the further consideration thereof be postponed until to-morrow.

FRIDAY, JANUARY 7, 1803.

The following written message was received from the President of the United States, by Mr. Lewis, his Secretary:

Gentlemen of the Senate:

I submit, for your approbation and consent, a convention entered into with the Choctaw nation of Indians, for ascertaining and marking the limits of the territory, ceded to our nation, while under its former government, and lying between the Tombigbee and Mobile rivers on the east, and the Chickasawhay river on the west.

We are now engaged in ascertaining and marking, in like manner, the limits of the former cessions of the Choctaws, from the river Yazoo to our Southern boundary, which will be the subject of another convention; and we expect to obtain from the same nation, a new cession of lands, of considerable extent, between the Tombigbee and Alabama rivers.

These several tracts of country will compose that portion of the Mississippi Territory, which, so soon as certain individual claims are arranged, the United States will be free to sell and settle immediately.

TH: JEFFERSON.

January 7, 1803.

The message and the papers accompanying it were read.

Ordered, That they lie for consideration.

The consideration of the treaty, made between the Seneca nation of Indians, and Oliver Phelps, and others, dated June 30th, 1802, was resumed.

On motion,

Ordered, That it be referred to Mr. Clinton, Mr. Wright, and Mr. Morris, to consider and report thereon.

The Senate resumed the consideration of the treaty made between the Seneca nation of Indians and Wilhem Willink, and others, dated June 30th, 1802.

On motion,

Ordered, That it be postponed for further consideration.

But as the possession of these provinces is still in Spain, and the course of events may retard or prevent the cession to France being carried into effect,

to secure our object, it will be expedient to address equal powers to the government of Spain also, to be used only in the event of its being necessary.

I therefore nominate Charles Pinckney to be Minister Plenipotentiary, and James Monroe, of Virginia, to be Minister Extraordinary and Plenipotentiary, with full powers to both, jointly, or to either, on the death of the other, to enter into a treaty or convention with his Catholic Majesty, for the purpose of enlarging, and more effectually securing, our rights and interests in the river Mississippi, and in the territories eastward thereof.

TH: JEFFERSON.

January 11, 1803.

Gentlemen of the Senate:

During the late recess of the Senate, I have granted commissions for the following persons and offices, which commissions will expire at the end of the present session of the Senate. I therefore nominate the same persons to the same offices, for re-appointment, to wit:

Rufus King, who is Minister Plenipotentiary of the United States at London, to be a Commissioner for the settlement of boundaries between the United States and the British territories east, north, and north-west of the United States.

George Wentworth, of New Hampshire, to be Surveyor for the district of Portsmouth, in New Hampshire, and Inspector of the Revenue for the same, vice Samuel Adams, deceased.

William R. Lee, of Massachusetts, to be Collector for Salem and Beverly, in Massachusetts, vice Joseph Hiller, resigned.

Joseph Farley, of Massachusetts, to be Collector for the district of Wadoborough, in Massachusetts, and Inspector of the Revenue for the same, vice Joshua Head, removed.

John Gibaut, of Massachusetts, to be Collector for the district of Gloucester, in Massachusetts, vice William Tuck, removed.

Joseph Wilson, of Massachusetts, to be Collector for the district of Marblehead, in Massachusetts, and Inspector of the Revenue for the same, vice Samuel R. Gerry, removed.

Ralph Cross, of Massachusetts, to be Collector for Newburyport, in Massachusetts, vice Dudley A. Tyng, removed.

John Swartwout, who was Marshal of the former limited district of New York, to be Marshal of the present district of New York.

Abraham Bloodgood, of New York, to be Surveyor for the port of Albany, in New York, and Inspector of the Revenue for the same, vice Henry Bogert, resigned.

Silas Crane, of New Jersey, who is Collector for the district of Little Egg Harbor, in New Jersey, to be Inspector of the Revenue for the same.

Oliver Barnet, of New Jersey, to be Marshal of New Jersey, vice John Heard, transferred.

John Smith, of Pennsylvania, who was Marshal of the Eastern district of Pennsylvania, to be Marshal of Pennsylvania.

Peter Muhlenberg, of Pennsylvania, to be Collector for the district of Pennsylvania, vice George Latimer, resigned.

Tench Coxe, of Pennsylvania, to be Supervisor of the Revenue for the district of Pennsylvania, vice Peter Muhlenberg, transferred.

Alexander Scott, of Maryland, to be Collector for the district of Nanjemoy, in Maryland, and Inspector of the Revenue for the same, vice John C. Jones, deceased.

William White, of Virginia, to be Surveyor for the port of East River, in Virginia, and Inspector of the Revenue for the same.

Francis Armistead, of Virginia, to be Collector of East River, in Virginia.

Joseph Scott, of Virginia, who was Marshal of the Eastern district of Virginia, to be Marshal of Virginia.

John Shore, of Virginia, to be Collector for Petersburg, in Virginia, vice William Heth, removed.

Thomas Archer, of Virginia, to be Collector of Yorktown, in Virginia, and Inspector of the Revenue for the same, vice William Reynolds, deceased.

John Easson, of Virginia, to be Surveyor of Smithfield, in Virginia, and Inspector of the Revenue for the same, vice Thomas Blow, resigned.

John Rowan, of North Carolina, to be Surveyor of Windsor, in North Carolina, and Inspector of the Revenue for the same, vice William Denson, deceased.

Jehu Nichols, of North Carolina, to be Surveyor of Tombstone, in North Carolina, and Inspector of the Revenue for the same.

Henry Tooley, of North Carolina, to be Surveyor of Slade's Creek, in North Carolina, and Inspector of the Revenue for the same.

Robert Elliott Cockran, of South Carolina, to be Marshal of South Carolina, vice Charles B. Cockran, resigned.

Thomas Stuart, of Tennessee, to be Attorney for the United States in the West district of Tennessee, vice William P. Anderson, resigned.

Robert Anderson New, of Kentucky, to be Collector of Louisville, in Kentucky, and Inspector of the Revenue for the same, vice James McConnel, removed.

Griffin Greene, of the North Western Territory, to be Collector for the district of Marietta, in the North Western Territory, and Inspector of the Revenue for the same.

Joseph Wood, of the North Western Territory, to be Register of the Land Office at Marietta, in the said Territory, vice Peregrine Foster, resigned.

John Selman, of the North Western Territory, to be Commissioner on Symmes's land claims, vice William Goforth, resigned.

Daniel Bissell, of the Indiana Territory, to be Collector for Massac, in the said Territory, and Inspector of the Revenue for the same, vice William Chribs, removed.

David Ker, of the Mississippi Territory, to be third Judge of the Mississippi Territory, vice Daniel Tilton, resigned.

James Anderson, of South Carolina, to be Commercial Agent at Cotte, in France.

Isaac Cox Barnet, of New Jersey, to be Commercial Agent at Antwerp.
TH: JEFFERSON.

January 11, 1803.

Gentlemen of the Senate:

During the late recess of the Senate, I granted commissions for the promotions, transfers, and appointments, in the Army of the United States, which are under the mark A, in the enclosed schedule, signed by the Secretary at War, which will expire at the end of the present session of the Senate. I therefore nominate the same persons for the same commissions for re-appointment.

I also nominate the persons named in the same schedule, under the mark

of the letter B, to be appointed to the grades of command affixed to their names respectively.

TH: JEFFERSON.

January 11, 1803,

A.

List of Appointments in the Army of the United States, made during the last recess of Congress.

William King, to be Surgeon's Mate, 10th June, 1802.

Joseph West, do do 10th June, 1802.

John F. Heilaman, do do 2d July, 1802.

G. W. Maupire, do do 5th November, 1802.

Alexander McComb, Jr. to be 1st Lieutenant in the Corps of Engineers, to take rank from 12th October, 1802.

Joseph G. Swift, to be 2d Lieutenant in the Corps of Engineers, to take rank from 12th October, 1802.

Simon Levy, to be 2d Lieutenant in the Corps of Engineers, to take rank from 12th October, 1802.

Ephraim Emmory, to be 2d Lieutenant in the regiment of Artillerists, to take rank from 12th October, 1802.

Henry Brevoort, to be Ensign in 2d regiment of Infantry, to take rank from 7th May, 1802.

Peyton Gay, to be Ensign in the 2d regiment of Infantry, to take rank from 12th October, 1802.

Josiah Taylor, to be Ensign in the 2d regiment of Infantry, to take rank from 12th October, 1802.

William L. Chew, to be Ensign in the 2d regiment of Infantry, to take rank from 12th October, 1802.

William Simmons, to be Ensign in the 2d regiment of Infantry, to take rank from 12th October, 1802.

Promotions and Transfers.

Jonathan Williams, to be Lieutenant Colonel in the Corps of Engineers, to take rank from 8th July, 1802.

Decius Wadsworth, of the regiment of Artillerists, to be Major in the Corps of Engineers, to take rank from 9th January, 1800.

Captain George Ingersoll, to be Major in the regiment of Artillerists, vice Wadsworth, transferred, to take rank from 8th July, 1802.

1st Lieutenant Peter Tallman, to be Captain in the regiment of Artillerists, vice Ingersoll, promoted, to take rank from 8th July, 1802.

1st Lieutenant Thomas Swaine, to be Captain in the 2d regiment of Infantry, vice Vance, resigned, to take rank from 1st July, 1802.

2d Lieutenant Edmund P. Gaines, to be 1st Lieutenant in the 2d regiment of Infantry, vice Erwine, resigned, to take rank from 27th April, 1802.

Ensign George T. Ross, to be 2d Lieutenant in the 2d regiment of Infantry, vice Gaines, promoted, to take rank from 27th April, 1802.

Ensign Henry B. Brevoort, to be 2d Lieutenant in the 2d regiment of Infantry, vice Barde, promoted, to take rank from 1st July, 1802.

B.

The following persons are respectfully nominated for the appointments to their names respectively annexed:

Cary Clark, of Rhode Island, to be 2d Lieutenant in the regiment of Artillerists.

Francis Newman, of Maryland, to be 2d Lieutenant in the regiment of Artillerists.

James S. Swearingen, of Ohio, to be 2d Lieutenant in the regiment of Artillerists.

W. S. Graham, of Vermont, to be 2d Lieutenant in the regiment of Artillerists.

Thomas Coit, Jr. of Connecticut, to be Surgeon's Mate in the Army of the United States.

H. DEARBORN.

WAR DEPARTMENT, 10th January, 1803.

Gentlemen of the Senate:

The spoliations and irregularities committed on our commerce during the late war, by subjects of Spain, or by others deemed within her responsibility, having called for attention, instructions were accordingly given to our Minister at Madrid, to urge our right to just indemnifications, and to propose a convention for adjusting them. The Spanish government listened to our proposition with an honorable readiness, and agreed to a convention, which I now submit for your advice and consent. It does not go to the satisfaction of all our claims; but the express reservation of our right to press the validity of the residue, has been made the ground of further instructions to our Minister, on the subject of an additional article, which it is to be hoped will not be without effect.

TH: JEFFERSON.

January 11, 1803.

The messages and papers therein referred to were read.

Ordered, That they severally lie for consideration.

The convention made between the Choctaw nation of Indians and the United States, October 17, 1802, was read the third time, as in Committee of the Whole; and a motion was made that it be

“*Resolved*, (two-thirds of the Senators present concurring therein,) That the Senate do advise and consent to the ratification of the convention, made under the authority of the United States, between Brigadier General James Wilkinson and the Choctaw nation, by their chiefs, head men, and principal warriors.”

Ordered, That this motion lie for consideration.

WEDNESDAY, JANUARY 12, 1803.

The convention between the Choctaw nation of Indians and the United States, made October 17th, 1802, was considered. And, on the question, will the Senate advise and consent to the ratification thereof?

It was determined unanimously in the affirmative: Yeas, 25.

Those who voted in the affirmative, are—Messrs. Anderson, Baldwin, Bradley, Breckinridge, Clinton, Cocke, Dayton, Ellery, Dw. Foster, Franklin, Hillhouse, Jackson, Logan, J. Mason, Morris, Nicholas, Ogden, Olcott, Plumer, Stone, Sumpter, Tracy, Wells, White, and Wright.

So it was

Resolved, (two-thirds of the Senators present concurring therein,) That the Senate do advise and consent to the ratification of the convention made under the authority of the United States, between Brigadier General James Wilkinson, and the Choctaw nation, by their chiefs, head men, and principal warriors, October 17th, 1802."

Ordered, That the Secretary lay this resolution before the President of the United States.

The Senate proceeded to consider the message of the President of the United States, of January 11th, 1803, nominating Alexander Macomb, Jun. and others, to military appointments.

On motion,

Ordered, That it be referred to Mr. Anderson, Mr. Tracy, and Mr. Dayton, to consider and report thereon.

The Senate took into consideration the message of the President of the United States, of January 11th, nominating Robert R. Livingston to be Minister Plenipotentiary, and James Monroe, Minister Extraordinary and Plenipotentiary, to enter into a treaty or convention with the First Consul of France, for the enlarging and more effectually securing our rights and interests in the river Mississippi; and

Resolved, That they consent and advise to the appointment of Robert R. Livingston, agreeably to the nomination.

On the question will the Senate consent and advise to the appointment of James Monroe?

It was determined in the affirmative, { Yeas, 15,
Nays, 12.

Those who voted in the affirmative, are—Messrs. Anderson, Baldwin, Bradley, Breckinridge, Clinton, Cocke, Ellery, T. Foster, Franklin, Jackson, Logan, Nicholas, Stone, Sumpter, and Wright.

Those who voted in the negative, are—Messrs. Dayton, Dw. Foster, Hillhouse, Howard, J. Mason, Morris, Ogden, Olcott, Plumer, Tracy, Wells, and White.

So it was

Resolved, That the Senate consent and advise to the appointment, agreeably to the nomination.

The Senate took into consideration the nomination of Charles Pinckney, to be Minister Plenipotentiary, and James Monroe, to be Minister Extraordinary and Plenipotentiary, to enter into a treaty or convention with his Catholic Majesty, for the purpose of enlarging and more effectually securing our rights and interests in the river Mississippi, and in the territories eastward thereof.

Resolved, That the Senate consent and advise to the appointments, agreeably to the nominations respectively.

Ordered, That the Secretary lay these resolutions before the President of the United States.

FRIDAY, JANUARY 14, 1803.

The convention between his Catholic Majesty and the United States, was read the second time.

The Senate resumed the consideration of the message of the President of the United States, nominating Rufus King, and others, to office.

On motion, the further consideration thereof was postponed.

As the continuance of the act for establishing trading houses with the Indian tribes will be under the consideration of the Legislature at its present session, I think it my duty to communicate the views which have guided

me in the execution of that act, in order that you may decide on the policy of continuing it, in the present or any other form, or discontinue it altogether, if that shall, on the whole, seem most for the public good.

The Indian tribes residing within the limits of the United States, have, for a considerable time, been growing more and more uneasy at the constant diminution of the territory they occupy, although effected by their own voluntary sales: and the policy has long been gaining strength with them, of refusing absolutely all further sale, on any conditions; insomuch that, at this time, it hazards their friendship, and excites dangerous jealousies and perturbations in their minds to make any overture for the purchase of the smallest portions of their land. A very few tribes only are not yet obstinately in these dispositions. In order peaceably to counteract this policy of theirs, and to provide an extension of territory, which the rapid increase of our numbers will call for, two measures are deemed expedient. First: to encourage them to abandon hunting, to apply to the raising stock, to agriculture and domestic manufacture, and thereby prove to themselves that less land and labor will maintain them in this, better than in their former mode of living. The extensive forests necessary in the hunting life, will then become useless, and they will see advantage in exchanging them for the means of improving their farms, and of increasing their domestic comforts. Secondly: to multiply trading houses among them, and place within their reach those things which will contribute more to their domestic comfort, than the possession of extensive, but uncultivated wilds. Experience and reflection will develope to them the wisdom of exchanging what they can spare and we want, for what we can spare and they want. In leading them thus to agriculture, to manufactures, and civilization; in bringing together their and our settlements, and in preparing them ultimately to participate in the benefits of our government, I trust and believe we are acting for their greatest good. At these trading houses we have pursued the principles of the act of Congress, which directs that the commerce shall be carried on liberally, and requires only that the capital stock shall not be diminished. We consequently undersell private traders, foreign and domestic, drive them from the competition; and thus, with the good will of the Indians, rid ourselves of a description of men who are constantly endeavoring to excite in the Indian mind suspicions, fears, and irritations towards us. A letter now enclosed, shows the effect of our competition on the operations of the traders, while the Indians, perceiving the advantage of purchasing from us, are soliciting generally, our establishment of trading houses among them. In one quarter this is particularly interesting. The Legislature, reflecting on the late occurrences on the Mississippi, must be sensible how desirable it is to possess a respectable breadth of country on that river, from our Southern limit to the Illinois at least; so that we may present as firm a front on that as on our Eastern border. We possess what is below the Yazoo, and can probably acquire a certain breadth from the Illinois and Wabash to the Ohio; but between the Ohio and Yazoo, the country all belongs to the Chickasaws, the most friendly tribe within our limits, but the most decided against the alienation of lands. The portion of their country most important for us is exactly that which they do not inhabit. Their settlements are not on the Mississippi, but in the interior country. They have lately shown a desire to become agricultural; and this leads to the desire of buying implements and comforts. In the strengthening and gratifying of these wants, I see the only prospect of planting on the Mississippi itself, the means of its own safe-

ty. Duty has required me to submit these views to the judgment of the Legislature; but as their disclosure might embarrass and defeat their effect, they are committed to the special confidence of the two Houses.

While the extension of the public commerce among the Indian tribes, may deprive of that source of profit such of our citizens as are engaged in it, it might be worthy the attention of Congress, in their care of individual as well as of the general interest, to point, in another direction, the enterprise of these citizens, as profitably for themselves, and more usefully for the public. The river Missouri, and the Indians inhabiting it, are not as well known as is rendered desirable by their connexion with the Mississippi, and consequently with us. It is, however, understood, that the country on that river is inhabited by numerous tribes, who furnish great supplies of furs and peltry to the trade of another nation, carried on in a high latitude, through an infinite number of portages and lakes, shut up by ice through a long season. The commerce on that line could bear no competition with that of the Missouri, traversing a moderate climate, offering, according to the best accounts, a continued navigation from its source, and possibly with a single portage, from the Western Ocean, and finding to the Atlantic a choice of channels through the Illinois, or Wabash, the lakes and Hudson, through the Ohio and Susquehanna, or Potomac or James rivers, and through the Tennessee and Savannah rivers. An intelligent officer, with ten or twelve chosen men, fit for the enterprise, and willing to undertake it, taken from our posts, where they may be spared without inconvenience, might explore the whole line, even to the Western Ocean, have conferences with the natives on the subject of commercial intercourse, get admission among them for our traders, as others are admitted, agree on convenient deposits for an interchange of articles, and return with the information acquired, in the course of two summers. Their arms and accoutrements, some instruments of observation, and light and cheap presents for the Indians, would be all the apparatus they could carry, and with an expectation of a soldier's portion of land on their return, would constitute the whole expense. Their pay would be going on, whether here or there. While other civilized nations have encountered great expense to enlarge the boundaries of knowledge, by undertaking voyages of discovery, and for other literary purposes, in various parts and directions, our nation seems to owe to the same object, as well as to its own interests, to explore this, the only line of easy communication across the continent, and so directly traversing our own part of it. The interests of commerce place the principal object within the constitutional powers and care of Congress, and that it should incidentally advance the geographical knowledge of our own continent, cannot but be an additional gratification. The nation claiming the territory, regarding this as a literary pursuit, which it is in the habit of permitting within its dominions, would not be disposed to view it with jealousy, even if the expiring state of its interests there did not render it a matter of indifference. The appropriation of two thousand five hundred dollars, 'for the purpose of extending the external commerce of the United States,' while understood and considered by the Executive as giving the legislative sanction, would cover the undertaking from notice, and prevent the obstructions which interested individuals might otherwise previously prepare in its way.

TH: JEFFERSON.

January 18th, 1803.

The message was read.

Ordered, That it lie for consideration.

FRIDAY, JANUARY 21, 1803.

Mr. Clinton, from the Committee to whom was referred, on the 17th instant, the nominations of Joseph Farley, Joseph Wilson, Ralph Cross, Alexander Scott, William White, Francis Armistead, Henry Tooty, James Anderson, Thomas Archer, and John Easson, reported, that the Senate advise and consent to their appointments, agreeably to the nominations respectively; and they were consented and advised to accordingly, except that of Alexander Scott, of Maryland, Collector for the District of Nanjemoy, postponed.

TUESDAY, JANUARY 25, 1803.

The Senate resumed the consideration of the convention between His Catholic Majesty and the United States, concluded at Madrid, August 11th, 1802.

On motion,

Ordered, That it be postponed to Tuesday, the first of February next.

Mr. Anderson, from the Committee to whom was referred the message of the President of the United States, of January 11th, containing nominations to military appointments, reported that the nominations be advised to, except those of Ephraim Emmory and Peyton Gay. Whereupon,

Resolved, That the Senate do advise and consent to the appointments, agreeably to the nominations respectively; except to those of Ephraim Emmory and Peyton Gay, postponed for further consideration.

On motion,

Ordered, That the Secretary lay this resolution before the President of the United States.

The Senate resumed the consideration of the nomination of Alexander Scott, postponed the 21st instant, and on the question to advise and consent to his appointment, agreeably to the nomination, it was determined in the affirmative.

So it was

Resolved, That the Senate do advise and consent to the appointments of Rufus King, and others, agreeably to the nominations respectively, contained in the message of the President of the United States, of the 11th instant.

Ordered, That the Secretary lay this resolution before the President of the United States.

TUESDAY, FEBRUARY 1, 1803.

The Senate resumed the consideration of the convention between his Catholic Majesty and the United States, concluded at Madrid, August 11th, 1802.

On motion,

Ordered, That it be postponed to Friday, February 4th, next.

THURSDAY, FEBRUARY 3, 1803.

A written message was received from the President of the United States, by Mr. Lewis, his Secretary:

FRIDAY, FEBRUARY 4, 1803.

The message of the President of the United States, communicated on 3d of February, was read, as follows:

Gentlemen of the Senate:

I nominate John Martin Baker, of New York, to be Consul for the islands of Minorca, Majorca, and Yvica.

Marien Lemar, of Maryland, to be Consul for Madeira.

William Patterson, of New York, to be Commercial Agent of the United States, at Nantes, in the place of Francis L. Taney, deceased.

William Henry Harrison, to be Governor of the Indiana Territory, from the 13th day of May next, when his present commission as Governor will expire.

Thomas T. Davis, of Kentucky, to be a Judge of the Territory of Indiana, in the place of William Clarke, deceased.

Jesse Spencer, of Ohio, to be Register of the Land Office, for the district of Chillicothe, instead of Thomas Worthington, resigned.

William Henry Harrison, of Indiana, to be a Commissioner to enter into any treaty or treaties which may be necessary with any Indian tribes, Northwest of the Ohio, and within the Territory of the United States, on the subject of their boundaries or lands.

Isaac Illsley, Jun. of Massachusetts, to be Collector of Portland, in Massachusetts, instead of Nathaniel F. Fosdick, removed.

Zachariah Stevens, of Massachusetts, to be Surveyor and Inspector of Gloucester, in Massachusetts, instead of Samuel Whittermore, removed.

Joseph Story, of Massachusetts, to be Naval Officer for Salem and Beverley, in Massachusetts, instead of William Pickman, removed.

Jabez Pennyman, of Vermont, to be Collector and Inspector of Allburgh, on Lake Champlain, instead of David Russell, removed.

John Heard, of New Jersey, who is Collector for the district of Perth Amboy, in New Jersey, to be Inspector of the Revenue for the same.

William Brewer, of North Carolina, to be Surveyor and Inspector of Revenue for the port of Nixinton, in the district of Cambden, in North Carolina, in the place of Hugh Knox, resigned.

Joseph Doyle, of Columbia, to be an Ensign in the 2d regiment of Infantry.

John Miller, of Maryland, to be an Ensign in the 2d regiment of Infantry.

Pallus P. Stuart, of Ohio, to be an Ensign in the 1st regiment of Infantry.

William Lee, of Vermont, to be an Ensign in the 1st regiment of Infantry.

William C. Smith, of ———, to be a Surgeon's Mate in the Army of the United States.

Joseph Goodhue, of Vermont, to be a Surgeon's Mate in the Army of the United States.

TH: JEFFERSON.

February 2d, 1803.

Ordered, That it lie for consideration.

On motion,

Ordered, That the consideration of the convention between his Catholic Majesty and the United States, concluded at Madrid, August 11th, 1802, be postponed to Monday, 7th February.

Mr. Clinton, from the committee to whom was referred, on the 7th January last, the treaty between the Seneca nation of Indians, and Oliver Phelps, and others, made June 30th, 1802, reported that it be ratified.

And on the question, will the Senate advise and consent to the ratification of this treaty? It passed unanimously in the affirmative: Yeas, 23.

Those who voted in the affirmative, are—Messrs. Baldwin, Bradley, Breckinridge, Brown, Clinton, Cocke, Dayton, Ellery, T. Foster, Dw. Foster, Hillhouse, Howard, Jackson, J. Mason, Morris, Nicholas, Ogden, Olcott, Plumer, Stone, Sumpter, Tracy, and Wells.

So it was

“*Resolved*, (two-thirds of the Senators present concurring therein,) That the Senate do advise and consent to the ratification of the treaty, made under the authority of the United States, between the Seneca nation of Indians, and Oliver Phelps, and others, dated June 30th, 1802.”

Ordered, That the Secretary lay this resolution before the President of the United States.

MONDAY, FEBRUARY 7, 1803.

On motion,

Ordered, That the consideration of the convention between his Catholic Majesty and the United States, concluded at Madrid, August 11th, 1802; the message of the President of the United States, of February 3d, nominating J. M. Baker, and others; and the nominations of Ephraim Emmory and Peyton Gay, be postponed.

TUESDAY, FEBRUARY 8, 1803.

The Senate resumed the consideration of the convention between his Catholic Majesty and the United States, concluded at Madrid, August 11th, 1802.

On motion,

Ordered, That it be postponed to Thursday next.

The Senate resumed the consideration of the message of the President of the United States, of February 3d, nominating John Martin Baker, and others, to civil and military appointments; and

Resolved, That they advise and consent to the appointments, agreeably to the nominations respectively; except to those of John Martin Baker, William Patterson, Isaac Illsley, Jun., Zachariah Stevens, Joseph Story, John Miller, Pallas P. Stuart, and William C. Smith, referred to Mr. Tracy, Mr. Wright, and Mr. Dwight Foster, to consider and report thereon.

THURSDAY, FEBRUARY 10, 1803.

The Senate resumed the consideration of the convention between the United States and his Catholic Majesty, concluded at Madrid, August 11th, 1802.

On motion,

Ordered, That it be postponed to Thursday, 24th of February next.

On motion,

Ordered, That the Secretary lay before the President of the United States, the resolution of the Senate, of the 8th instant, on his message of February 3d, instant.

MONDAY, FEBRUARY 14, 1803.

A message was received from the President of the United States, by Mr. Lewis, his Secretary:

TUESDAY, FEBRUARY 15, 1803.

The written message of the President of the United States, received yesterday, was read, as follows:

Gentlemen of the Senate:

I nominate Aaron Vale, of New York, to be Commercial Agent of the United States, at L'Orient, in France.

TH: JEFFERSON.

February 14th, 1803.

Ordered, That it lie for consideration.

A written confidential message was brought from the House of Representatives, by Mr. Nicholson and Mr. Bayard, a committee of that House, which was read, as follows:

“Gentlemen of the Senate:

“We transmit you a bill, which has passed this House, entitled “An act making further provision for the expenses attending the intercourse between the United States and foreign nations,” and in which we request your concurrence. This bill has been passed by us in order to enable the President of the United States to commence, with more effect, a negotiation with the French and Spanish governments, relative to the purchase of the Island of New Orleans, and the provinces of East and West Florida. The nature and importance of the measure contemplated, have induced us to act upon the subject with closed doors. You will, of consequence, consider this communication as confidential.”

And they withdrew.

The message and two bills accompanying it were read.

Ordered, That the bills severally pass to the second reading.

WEDNESDAY, FEBRUARY 16, 1803.

The confidential bills brought yesterday from the House of Representatives, were severally read the second time.

Ordered, That they be referred to Mr. Bradley, Mr. Breckinridge, Mr. Baldwin, Mr. Nicholas, and Mr. Stone, to consider and report thereon.

THURSDAY, FEBRUARY 17, 1803.

The Senate resumed the consideration of the convention between the United States and his Catholic Majesty.

On motion,

Ordered, That it be the order of the day for Wednesday next.

MONDAY, FEBRUARY 21, 1803.

The following written message was received from the President of the United States, by Mr. Lewis, his Secretary:

Gentlemen of the Senate:

The Tuscarora Indians having an interest in some lands within the State of North Carolina, asked the superintendence of the government of the United States, over a treaty to be held between them and the State of North Carolina, respecting these lands. William Richardson Davie was appointed a Commissioner for this purpose, and a treaty was concluded under his superin-

tendence. This, with his letter on the subject, is now laid before the Senate for their advice and consent, whether it shall be ratified.

TH: JEFFERSON.

February 21st, 1803.

The message, and papers referred to, except the treaty, were read.

Ordered, That they lie for consideration, and that the treaty be printed for the use of the Senate.

M. Bradley, from the committee to whom was referred, on the 16th instant, the confidential bills sent up from the House of Representatives, reported that they severally pass without amendment.

The bill, entitled "An act making further provision for the expenses attending the intercourse between the United States and foreign nations," was resumed.

On motion, to amend the bill, and to strike out the words, "of defraying any extraordinary expenses which may be incurred in the intercourse between the United States and foreign nations," and insert, "of making such payment for the cession of the island of New Orleans, or other territories, to the United States, as may be stipulated by the President of the United States, by treaty with foreign nations claiming the jurisdiction and sovereignty thereof;"

It passed in the negative, { Yeas, 11,
Nays, 15.

The yeas and nays being required by one-fifth of the Senators present,

Those who voted in the affirmative, are—Messrs. Dayton, Dwight Foster, Hillhouse, Howard, J. Mason, Morris, Olcott, Plumer, Ross, Wells, and White.

Those who voted in the negative, are—Messrs. Anderson, Baldwin, Bradley, Breckinridge, Clinton, Cocke, Ellery, T. Foster, Jackson, Logan, S. T. Mason, Nicholas, Stone, Sumpter, and Wright.

On the question, Shall this bill pass to the third reading?

It was determined in the affirmative, { Yeas, 14,
Nays, 11.

The yeas and nays being required by one-fifth of the Senators present,

Those who voted in the affirmative, are—Messrs. Anderson, Baldwin, Bradley, Breckenridge, Clinton, Cocke, Ellery, T. Foster, Jackson, Logan, S. T. Mason, Nicholas, Sumpter, and Wright.

Those who voted in the negative, are—Messrs. Dayton, D. Foster, Hillhouse, Howard, J. Mason, Morris, Olcott, Plumer, Ross, Wells, and White.

On motion,

Ordered, That the confidential bill, entitled "An act for extending the external commerce of the United States," pass to the third reading.

TUESDAY, FEBRUARY 22, 1803.

The bill, entitled "An act making further provision for the expenses attending the intercourse between the United States and foreign nations," was read the third time.

On the question, Shall this bill pass?

It was determined in the affirmative, { Yeas, 14,
Nays, 12.

The yeas and nays being required by one-fifth of the Senators present,

Those who voted in the affirmative, are—Messrs. Anderson, Baldwin,

Bradley, Breckinridge, Clinton, Cocke, Ellery, T. Foster, Jackson, Logan, S. T. Mason, Nicholas, Sumpter, and Wright.

Those who voted in the negative, are—Messrs. Dayton, Dwight Foster, Hillhouse, Howard, J. Mason, Morris, Olcott, Plumer, Ross, Stone, Wells, and White.

So it was

Resolved, That this bill pass.

The bill, entitled “An act for extending the external commerce of the United States,” was read the third time.

Resolved, That this bill pass.

On motion,

Ordered, That Mr. Wright be a committee to carry to the House of Representatives the following message:

“*Gentlemen of the House of Representatives*:

“We return you the bill which passed your House, entitled “An act making further provision for the expenses attending the intercourse between the United States, and foreign nations;” and the bill, entitled “An act for extending the external commerce of the United States;” both of which the Senate have passed without amendment.”

The Senate resumed the consideration of the message of the President of the United States, of January 11th, nominating Ephraim Emmory and Peyton Gay. Whereupon,

Resolved, That the Senate do not advise and consent to the appointments.

Ordered, That the Secretary lay this resolution before the President of the United States.

The Senate took into consideration the message of the President of the United States, of February 15th, nominating Aaron Vale, of New York, to be Commercial Agent of the United States at L’Orient, in France.

Ordered, That this nomination be referred to Mr. Tracy, Mr. Wright, and Mr. Dwight Foster, the Committee appointed on the 8th instant, to consider and report thereon.

The treaty, made under the authority of the United States, with the Tuscarora nation of Indians, on the 14th day of December, 1802, was read the first time.

SATURDAY, FEBRUARY 26, 1803.

The Senate resumed the convention between his Catholic Majesty and the United States, concluded at Madrid, August 11th, 1802.

Ordered, That it be postponed until Tuesday next.

The treaty between the United States of America and the Tuscarora nation of Indians, was read the second time.

TUESDAY, MARCH 1, 1803.

The treaty between the United States and the Tuscarora nation of Indians, of 4th December, 1802, was resumed; and, by unanimous consent, the rule was dispensed with; and, on the question, will the Senate consent and advise to the ratification of this treaty?

It passed unanimously in the affirmative: Yeas, 21.

Those who voted in the affirmative, are—Messrs. Anderson, Bradley, Breckinridge, Clinton, Cocke, Ellery, T. Foster, Howard, Jackson, Logan,

S. T. Mason, Morris, Nicholas, Olcott, Ross, Stone, Sumpter, Tracy, Wells, White, and Wright.

So it was

Resolved, (two-thirds of the Senators present concurring therein,) That the Senate do advise and consent to the ratification of the treaty, made under the authority of the United States, between the United States and the Tuscarora nation of Indians, at Raleigh, in the State of North Carolina, on the fourth day of December, in the year one thousand eight hundred and two."

Ordered, That the Secretary lay this resolution before the President of the United States.

Mr. Tracy, from the committee to whom were referred the nominations of John M. Baker and others; also, the nomination of Aaron Vale, made report. Whereupon,

The Senate resumed the consideration of the message of the President of the United States, of February 3d, 1803, nominating John M. Baker and others.

Resolved, That they consent and advise to the appointment of John M. Baker, William Patterson, Isaac Illsley, Jr., Zachariah Stevens, Joseph Story, John Miller, Pallus P. Stuart, and William C. Smith, agreeably to their nominations respectively.

Ordered, That the Secretary lay this resolution before the President of the United States.

The Senate resumed the consideration of the message of the President of the United States, of February 14th, nominating Aaron Vale to be Commercial Agent at L'Orient.

Resolved, That they consent and advise to the appointment, agreeably to the nomination.

Ordered, That the Secretary lay this resolution before the President of the United States.

The Senate resumed the consideration of the convention between the United States and his Catholic Majesty, concluded at Madrid, August 11th, 1802.

Ordered, That it be postponed until to-morrow.

The following written message was received from the President of the United States, by Mr. Lewis, his Secretary:

Gentlemen of the Senate:

I nominate Bartholomew D. Armistead, now a 2d Lieutenant of Infantry in the 2d regiment, to be 1st Lieutenant, vice Samuel Lane, resigned, August 12, 1802.

Benjamin Wilkinson, a 2d Lieutenant in the 2d regiment of Infantry, to be 1st Lieutenant, vice G. Barde, dismissed the service.

Josiah Taylor, now an Ensign in the 2d regiment of Infantry, to be 2d Lieutenant, vice B. D. Armistead, promoted.

William L. Chew, now an Ensign in the 2d regiment of Infantry, to be 2d Lieutenant, vice Benjamin Wilson, promoted.

Cordiah N. Daniel, of Mississippi, to be a Surgeon's Mate in the Army.

Jonathan H. Sparhawk, of New Hampshire, to be a Surgeon's Mate in the Army.

Michael B. Carroll, of Maryland,
Abner Woodruff, of New Jersey,
Theodore Hunt, of New Jersey,
James Decatur, of Pennsylvania,
Benjamin Smith, of Rhode Island,
Samuel Elbert, of Georgia,
William Mallet Livingston, of New York,
George W. Read, of Pennsylvania,
Thomas Lovell, of Boston, to be Commercial Agent at La Rochelle.
Levitt Harris, of Pennsylvania, to be Consul at Rotterdam.
Isaac Dayton, of New York, to be Surveyor and Port Inspector of
Hudson, vice J. C. Ten Broeck, removed.
Joel Burt, of New York, to be Collector of Customs and Inspector of the
Revenue for the district of Oswego.
Thomas Dudley, of North Carolina, to be Surveyor of the port of Swans-
borough, in the district of Newbern, vice Alexander Carmalt, deceased.
Charles Willing Byrd, of Ohio, to be Judge of the district of Ohio.
Michael Baldwin, of Ohio, to be Attorney for the United States, in the
district of Ohio.
David Zeigler, of Ohio, to be Marshal for the district of Ohio.
Cato West, of the Mississippi Territory, to be Secretary of the Territory,
vice John Steele, whose term has expired.

}
now Midshipmen, to be
Lieutenants in the Navy
of the United States.

TH: JEFFERSON.

March 1, 1803.

The message was read.
Ordered, That it lie for consideration.

THURSDAY, MARCH 3, 1803.

The Senate took into consideration the message of the President of the United States, of March 1st, nominating Bartholomew D. Armistead, and others, to office, and military appointment.

Resolved, That they consent and advise to the appointments, agreeably to the nominations respectively.

Ordered, That the Secretary lay this resolution before the President of the United States.

The Senate resumed the consideration of the convention between the United States and his Catholic Majesty, concluded at Madrid, August 11, 1802.

And, on the question, will the Senate consent and advise to the ratification thereof?

It was determined in the negative,

{ Yeas, 13,
Nays, 9.

Those who voted in the affirmative, were—Messrs. Anderson, Baldwin, Bradley, Breckinridge, Clinton, Cocke, T. Foster, Jackson, Logan, S. T. Mason, Nicholas, Stone, and Sumpter.

Those who voted in the negative, were—Messrs. Hillhouse, Howard, Morris, Olcott, Plumer, Tracy, Wells, White, and Wright.

So the question was lost, two-thirds of the Senators present not consenting thereto.

On motion,

It was agreed to reconsider the last vote; and, on the question, Shall the consideration of this convention be postponed?

It passed in the affirmative, { Yeas, 14,
 { Nays, 8.

Those who voted in the affirmative, were—Messrs. Anderson, Baldwin, Bradley, Breckinridge, Clinton, Cocke, T. Foster, Jackson, Logan, S. T. Mason, Nicholas, Stone, Sumpter, and Wright.

Those who voted in the negative, were—Messrs. Hillhouse, Howard, Morris, Olcott, Plumer, Tracy, Wells, and White.

So it was

Resolved, That the consideration of this convention be postponed.

Ordered, That the Secretary lay this resolution before the President of the United States.

Attest:

SAM: A. OTIS, *Secretary*.

END OF THE TWENTY-FIRST SESSION.